

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AF HOLDINGS LLC,
PLAINTIFF

Civil Action No. 12-cv-14442
HONORABLE GERSHWIN A. DRAIN

v.

MATTHEW CICCONE,
DEFENDANT

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**NOTICE OF OBJECTION TO “ORDER GRANTING
STIPULATED JOINT MOTION TO EXPEDITE DISCOVERY [#11]”**

Filing Party herein, apparently identified by IP address 97.92.47.116, received a letter dated January 10, 2013 from Charter Communications, Inc. (“hereinafter “Charter”). A copy of that letter is attached hereto as **Exhibit “A”** [with filing party’s name and identifying information blocked]. Filing Party herein did not actually receive the Charter letter, notice of this lawsuit, and/or notice regarding disclosure of information, until insufficient time was remaining to afford proper due process to address these issues. The letter informed Filing Party herein that Charter was

compelled by court order and subpoena to disclose certain information relating to Filing Party herein. (A copy of the subpoena and Order are attached hereto as **Exhibits "B" and "C,"** respectively). Specifically, the letter indicated that records revealed an IP address listed on an exhibit to the subpoena was assigned to Filing Party's Account at the given date and time. It further notified that, if there was going to be an objection to this disclosure of information, Filing Party herein must do so formally in this Court by January 25, 2013, 4:00 P.M. CT.

Other than the Exhibits hereto, Filing Party herein has received no other documentation regarding required disclosure of personal information and/or Account information.

Filing Party hereby files this formal objection to the subpoena and further objects to disclosure of Account and other personal information. The Order (**Exhibit "C"** hereto) apparently permits Plaintiff to serve Rule 45 subpoenas to identify subscribers listed in an Exhibit "A" to the Stipulated Motion for Expedited Discovery – limited to certain categories of entities and information. Filing Party herein does not have a copy of the Exhibit referenced or the Stipulated Motion. Filing Party herein further objects in that insufficient information has been supplied to indicate with any degree of certainty that Filing Party's "dynamic IP address" is traceable to Filing Party for the time period supposedly referenced.

In light of the lack of due process afforded Filing Party, and other time limitations imposed, as noted herein, Filing Party respectfully requests this Court to accept this formal Objection and prevent disclosure of Filing Party's information (and for all other appropriate and proper relief).

Respectfully submitted,

Dated: January 25, 2013

/s/ Robert J. Sayfie
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